

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001.

Investigation 02-11-040
(Filed November 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION TO ADMIT ADDITIONAL EVIDENCE
INTO THE PHASE 1.A EVIDENTIARY RECORD**

On November 10, 2004, Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) filed a motion to admit additional evidence into the Phase I.A evidentiary record. The evidence that SoCalGas and SDG&E seek to admit falls into several categories, which I address in turn.

First, SoCalGas and SDG&E seek to introduce two documents regarding Exhibit 114. However, SoCalGas and SDG&E had sufficient opportunity to present evidence regarding Exhibit 114 at the October 25, 2004 hearing and the record is well-developed in this regard.

Second, they seek to introduce over 100 documents to rebut Southern California Edison Company (Edison) representations in several ex parte contacts. However, because the Commission does not rely on extra-record information submitted by any of the parties, there is no need to reopen the record to receive evidence rebutting the content of the disputed ex parte contacts.

SoCalGas and SDG&E also seek to introduce evidence to rebut certain arguments in Edison's September 10, 2004 reply brief and November 4, 2004

supplemental reply brief. SoCalGas and SDG&E had ample notice and opportunity to present evidence regarding the contested issues in Edison's reply brief and supplemental reply brief and have provided no justification why the proposed evidence was not previously adduced.

For these reasons, I deny the motion in its entirety. There is no need for parties to respond to the motion since I deny it.

Therefore, **IT IS RULED** that the Motion of Southern California Gas Company and San Diego Gas & Electric Company for Order to Admit Additional Evidence into the Phase I.A Evidentiary Hearing Record is denied.

Dated November 12, 2004, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Admit Additional Evidence into the Phase 1.A Evidentiary Record on all parties of record in this proceeding or their attorneys of record.

Dated November 12, 2004, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda A. Pulmano

N O T I C E

Parties should notify the Process

Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.